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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,877	09/29/2003	Elmar Dörner	13909-097001 / 2002P10199	6017
32864	7590	02/25/2008	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			AL AUBAIDI, RASHA S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/671,877</p>	<p>Applicant(s)</p> <p align="center">DORNER ET AL.</p>	
	<p>Examiner</p> <p align="center">Rasha S. AL-Aubaidi</p>	<p>Art Unit</p> <p align="center">2614</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 10/16/2007. No claims have been added. Claims 23-31 and 41 have been canceled. Claims 1, 10, 14, 16-20 and 32-33 have been amended. Claims 1-22 and 32-40 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-22 and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US PAT # 6,532,218) in view of Miller et al. (US PAT # 6,907,011).

Regarding claims 1, 13-14, 16 and 32, Shaffer teaches a computer – implemented method, comprising: registering a subscription for a conference data stream (this basically reads on participants who are registered in a video conferencing system to a conference server 22 to present the information, see col. 5, lines 22-24 and col. 2, lines 59-62); receiving a message corresponding to the subscription for the conference data stream (this reads on the conference server receiving the request from the participant when the participant click “present”, see col. 5, lines 24-27), presenting the messages to a user (this feature is inherent, because a participant has to be informed somehow whether he/she is either going to be placed on queue or he/she is about to start the presentation); generating an input data using an input device (see col. 3, lines 8-30); publishing the input data via conference data stream (this reads on publishing the presentations to other participants who are present in the video conferencing, see col. 3, lines 8-12); determining if any participants are subscribers to the conference data stream (col. 5, lines 30-32); halting publishing of the input data via the conference data stream, if it is determined that no participants are subscribers to the conference data stream (this is inherent) ;receiving information that a new participant has been subscriber to the conference data stream (this feature again reads on the system monitoring the receiving of another participant that wants to present his/her

information); and restarting publishing of the input data via the conference data stream based on receiving the information (this feature is a repetition to this reads on publishing the presentations to the participants, see col. 3, lines 8-12).

Shaffer does not specifically teach the use of a content-based messaging (CBM) network.

However, Miller teaches the use of a content-based messaging network, which allows the passage of data and messages (see col. 4, lines 56-67).

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using CBM, as taught by Miller, into the Shaffer system in order to enhance the system and save the resources by providing only one network that handles conferencing, disturbs messages to participants and monitor all participants status and activities. Advantages are well known the art, such as providing smooth and efficient conference to all participants.

Regarding claim 2, Shaffer teaches presenting the messages to the user includes presenting video data to the user (see col. 3, lines 30-47).

Regarding claim 3, Shaffer teaches presenting the messages to the user includes presenting audio data to the user (see col. 3, lines 28-35).

Regarding claims 4, 15 and 33, Shaffer teaches presenting the messages to the user includes presenting audio and video data to the user (see col. 3, lines 28-35).

Regarding claims 5 and 17, Shaffer teaches presenting the messages to the user further comprises assembling the received messages into streaming video data and presenting the streaming video data to the user (see col. 3, lines 8-30).

Regarding claims 6, 18 and 35, Shaffer teaches presenting the messages to the user further comprises assembling the received messages into streaming audio data and presenting the streaming audio data to the user 9see col. 3, lines 8-30).

Regarding claims 7, 19 and 36, Shaffer teaches presenting messages to the user further comprises assembling the received messages into streaming audio and video data and presenting the streaming audio and video data to the user (see col. 3, lines 28-35).

Claims 8, 20 and 37 recite "presenting the messages to the user further comprises converting received messages from a real time transport protocol to a format required by the Java Media Framework (JMF) to present streaming audio and/or video data to the user". Although, Shaffer teaches the use of a protocol that convert the received messages into a audio and video data that are presented to user (col. 3, lines

23-35). However, Shaffer does not specifically teach converting received messages from a real time transport protocol to a format required by the Java Media Framework (JMF). This limitation is obvious and is basically a design choice. Obviously, one of ordinary skill in the art can use any desired frame network programming language protocol to support and convert the received messages into comprehensive video and audio streams that are presented to users.

Claims 9-12, 21-22, 38-39 and 40 recite "initiating a conference by inviting a participant connected to the CBM network to join the conference". The claimed limitation of "inviting participant..." is inherent in the Shaffer system.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant' argues (page 11 of the Remarks) "Although it is true that Shaffer is understood to allow only one of the participants of a conference room to seize control of an SVGA output port of the conferencing port at any given time, it is also true that this data is believed to be shared amongst all remaining participants physically connected to the conferencing server, and no those participants that have subscriber to the conference data stream". First of all, the claim language does not recite anywhere that the data is exclusively provided only to those who subscribed to the conference data

stream. Thus, it appears that Applicants is reading into the claim language. Second, Even if data are disturbed among all participants into the conference server, as long as the data are shared to those participants who are registered in a video conference, then this is sufficient.

Applicant also argues that "Shaffer is wholly devoid of any reference to the features of halting a conference data stream if no participants are subscribed". This feature is inherent if not obvious in order to avoid wasting and exhausting the resources by reserving, preparing and providing data stream to non available participants.

Examiner believes that all other arguments are already addressed in the above office action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI
PRIMARY EXAMINER

Art Unit 2614